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NOTICE OF ALLOWANCE AND FEE(S) DUE

9629 7590 08/21/2008

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

BERMAN, JACK I

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 08/21/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,995

07/13/2006

Erika Kanematsu

053848-5026

1449

TITLE OF INVENTION: PROJECTION ELECTRON MICROSCOPE, ELECTRON MICROSCOPE, SPECIMEN SURFACE OBSERVING METHOD
AND MICRO DEVICE PRODUCING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/21/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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9629 7590 08/21/2008

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,995	07/13/2006	Erika Kanematsu	053848-5026	1449

TITLE OF INVENTION: PROJECTION ELECTRON MICROSCOPE, ELECTRON MICROSCOPE, SPECIMEN SURFACE OBSERVING METHOD AND MICRO DEVICE PRODUCING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/21/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
BERMAN, JACK I	2881	250-310000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,995	07/13/2006	Erika Kanematsu	053848-5026	1449
9629	7590	08/21/2008	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			BERMAN, JACK I	
			ART UNIT	PAPER NUMBER
			2881	
DATE MAILED: 08/21/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 343 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 343 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/585,995	KANEMATSU, ERIKA	
	Examiner	Art Unit	
	Jack I. Berman	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>6/25/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Jack I. Berman/
Primary Examiner, Art Unit 2881

Art Unit: 2881

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wonjoo Suh on August 11, 2008. New claims 11-23 were also proposed by the applicant along with amendments to pages 10 and 20 of the specification.

The application has been amended as follows:

IN THE CLAIMS:

6. (Currently Amended) A projection electron microscope which causes an illuminating electron beam emitted from an electron source to be incident on a sample surface via an illumination electron optical system, and which causes electrons emitted from this sample surface to be focused as an observation electron beam on a detection means via an image focusing electron optical system, wherein the observation electron beam consists of reflected electrons having an energy equal to that of the illuminating electron beam, the illumination electron optical system consists of an illumination dedicated electron optical system disposed between the electron source and ~~the above mentioned~~ an optical path switching means which switches the direction of the illuminating electron beam or observation electron beam, and an electron optical system disposed between the optical path switching means and the sample surface, the image focusing electron optical system consists of an image focusing dedicated electron optical system disposed between the detection means and the optical path switching means, and the electron optical system described above, and this electron optical system shares

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some of the functions of the illumination electron optical system and the image focusing electron optical system.

11. (New) An electron microscope comprising:

an illumination electron optical system having an electron source for irradiating an electron beam onto a sample surface;

a detecting system having a detector for receiving reflected electrons which are generated from the sample surface;

a switching means for switching the direction of said electron beam and the reflected electrons, wherein said switching means has the function of switching the direction of the electron beam so that the electron beam is incident on the sample at a first timing, and so that the reflected electrons reach said detector at a second timing.

12. (New) The electron microscope according to claim 11 wherein said illumination electron optical system and said electron detecting system have a common path.

13. (New) The electron microscope according to claim 12 wherein said switching means is disposed on said common path.

14. (New) The electron microscope according to claim 13 wherein said switching means conducts the electron beam to the sample surface in a time that is equal to or less than the time

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required for the electrons in the electron beam to reach the sample surface from said switching means.

15. (New) An electron microscope comprising:

an illumination electron optical system having an electron source for irradiating an electron beam onto a sample surface;

a detecting system having a detector for receiving reflected electrons which are generated from the sample surface;

a deflector for switching the direction of said electron beam and the reflected electrons, wherein a voltage is applied to said deflector at a first time so that the electron beam is incident on the sample surface and no voltage is applied to said deflector at a second time so that the reflected electrons reach said detector.

16. (New) An electron microscope comprising:

an illumination electron optical system having an electron source for irradiating an electron beam onto a sample surface;

a detecting system having a detector for receiving secondary electrons which are generated from the sample surface;

a deflector for switching the direction of said electron beam and the secondary electrons, wherein a voltage is applied to said deflector at a first time so that the electron beam is incident on the sample surface and no voltage is applied to said deflector at a second time so that the secondary electrons reach said detector.

17. (New) The electron microscope according to claim 16 wherein said illumination electron optical system and said electron detecting system have a common path.

18. (New) The electron microscope according to claim 17 wherein said deflector is disposed on said common path.

19. (New) The electron microscope according to claim 18 wherein said first time is equal to or less than the time required for the electron beam to reach the sample surface from said deflector.

20. (New) A projection electron microscope comprising:
an illumination electron optical system having an electron source for irradiating an electron beam onto a sample surface;
a detecting system having a detector for receiving secondary electrons which are generated from the sample surface;
a deflector for switching the direction of said electron beam and the secondary electrons,
wherein a voltage is applied to said deflector at a first time so that the electron beam is incident on the sample surface and no voltage is applied to said deflector at a second time so that the secondary electrons reach said detector.

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21. (New) The projection electron microscope according to claim 20 wherein said illumination electron optical system and said electron detecting system have a common path.

22. (New) The projection electron microscope according to claim 21 wherein said deflector is disposed on said common path.

23. (New) The projection electron microscope according to claim 22 wherein said first time is equal to or less than the time required for the electron beam to reach the sample surface from said deflector.

IN THE SPECIFICATION:

Replace the first paragraph on page 10 with the following:

The sixth invention that is used to achieve the object described above is a projection electron microscope which causes an illuminating electron beam emitted from an electron source to be incident on a sample surface via an illumination electron optical system, and which causes electrons emitted from this sample surface to be focused as an observation electron beam on a detection means via an image focusing electron optical system, wherein the observation electron beam consists of reflected electrons having an energy equal to that of the illuminating electron beam, the illumination electron optical system consists of an illumination dedicated electron optical system disposed between the electron source and the ~~above mentioned~~ optical path switching means, and an electron optical system disposed between the optical path switching

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means and the sample surface, the image focusing electron optical system consists of an image focusing dedicated electron optical system disposed between the detection means and the optical path switching means, and the electron optical system described above, and this electron optical system shares some of the functions of the illumination electron optical system and the image focusing electron optical system.

Replace the first paragraph on page 20 with the following:

directly through the deflector 3', and is deflected by the deflector 3, after which the illuminating beam 4 reaches the surface of the sample 6. In a case where a voltage is applied to the deflector 3 3', the illuminating beam 4 is deflected by the deflector 3', and is absorbed by the electron absorbing plate 17.

The following is an examiner's statement of reasons for allowance: The prior art does not teach to provide an electron microscope with an optical path switching means or deflector that passes an illumination electron beam to a sample in one direction at one time and passes reflected or secondary electrons from the sample to a detector in the opposite direction at a second time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack I. Berman whose telephone number is (571) 272-2468. The examiner can normally be reached on Monday-Thursday (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jack I. Berman/
Primary Examiner, Art Unit 2881

jb
8/20/08